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3 BILL NO. A-77-~~08~~⁰⁹⁻ 19

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5 APPROPRIATION ORDINANCE NO. A-2077 *Vetoga*

6 AN ORDINANCE APPROPRIATING CERTAIN
7 FUNDS FROM THE EEOC "706" CONTRACT
8 ACCOUNT TO THE METROPOLITAN HUMAN
RELATIONS COMMISSION AND DIRECTING
PAYMENT OF SALARIES THEREFROM.

9 WHEREAS, The City of Fort Wayne, and the Metropolitan
10 Human Relations Commission are the recipients of certain
11 Federal money through a contract with the Equal Employment
12 Opportunity Commission (EEOC) pursuant to Title VII of the
13 Civil Rights Act of 1964; and

14 WHEREAS, this money has been set aside in a special
15 account in conformity with the accounting procedures of the
16 City of Fort Wayne; and

17 WHEREAS, it is now necessary to appropriate said monies
18 from the said account to the budget of the Metropolitan Human
19 Relations Commission, and to ratify the previous spending of some
20 of said monies pursuant to said contract; and,

21 WHEREAS, heretofore certain inequities have arisen
22 in respect to work performed in certain position classifications
23 for which payment has not been made to those persons performing
24 same.

25 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
26 OF THE CITY OF FORT WAYNE, INDIANA:

27 SECTION 1. That there is hereby appropriated out of
28 the unexpended and unappropriated EEOC Account No. 31-706,
29 the sum of \$52,500.00 into the Metropolitan Human Relations
30 Commission.

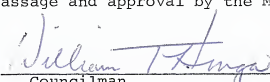
31 SECTION 2. That the spending of all sums which have
32 heretofore been spent by the Metropolitan Human Relations Com-
33 mission from said account pursuant to said EEOC 706 Contract
34 is hereby ratified.

35 SECTION 3. That heretofore monies have been expended
for salaries from said Federal funds without formal approval

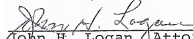
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3 by the Common Council of the City of Fort Wayne, but always
4 in conformity with the purposes of and in accordance with the
5 guidelines of the Metropolitan Human Relations Commission
6 and of Ordinance No. S-138-75. Said monies have
7 been expended because they being Federal funds there was
8 substantial opinion to support no need for Councilmanic approval.

9 SECTION 4. That it was the intention of the Metropolitan
10 Human Relations Commission that John Beams be Staff Attorney
11 and that Delois McKinley be Deputy Director, and said persons
12 did in fact serve in said respective capacities since November
13 1, 1976, but were not paid for said positions at rate of
14 compensation consistent with the terms of this Ordinance and
15 it is only in fairness and justice to them that they should
16 be so paid. Therefore, the City Controller of the City of
17 Fort Wayne, Indiana is hereby directed to draw and pay to
18 John Beams and Delois McKinley from such EEOC funds such sums
19 as are necessary to adjust their respective salary payments
20 retroactively to November 1, 1976 in accordance with the grade
21 and pay schedules heretofore set in Special Ordinance
22 S-138-75.

23 SECTION 5. This Ordinance shall be in full force and
24 effect from and after its passage and approval by the Mayor.

25
26 
27 _____
28 Councilman
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34 Approved as to form and legality
35 this 18th day of August, 1977.


John H. Logan, Attorney for Common
Council

Read the first time in full and on motion by _____, seconded by

_____, and duly adopted, read the second time by title and referred to the Committee on _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: _____

CITY CLERK

Veto Sustained by Council - no action taken.

Read the third time in full and on motion by _____,

seconded by _____, and duly adopted, placed on its passage.

PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>HINGA</u>	_____	_____	_____	_____	_____
<u>HUNTER</u>	_____	_____	_____	_____	_____
<u>MOSES</u>	_____	_____	_____	_____	_____
<u>NUCKOLS</u>	_____	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	_____	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: _____

CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. _____ on the _____ day of _____, 19____,
ATTEST: (SEAL)

CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

MAYOR

Read the first time in full and on motion by Hinga, seconded by Hunter, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on Tues, the 11th day of October, 1977 at 7:30 o'clock P.M., E.S.T.

DATE: 9-27-77

Charles W. Tittemore
CITY CLERK

Read the third time in full and on motion by Hinga, seconded by Stier, and duly adopted, placed on its passage.

PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>6</u>	<u>3</u>			
<u>BURNS</u>	<u>X</u>	<u>X</u>			
<u>HINGA</u>	<u>X</u>				
<u>HUNTER</u>		<u>X</u>			
<u>MOSES</u>	<u>X</u>				
<u>NUCKOLS</u>	<u>X</u>				
<u>SCHMIDT, D.</u>		<u>X</u>			
<u>SCHMIDT, V.</u>	<u>X</u>				
<u>STIER</u>	<u>X</u>				
<u>TALARICO</u>	<u>X</u>				

DATE: 10-25-77

Charles W. Tittemore
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
(ZONING MAP) ~~(GENERAL)~~ ~~(ANNEXATION)~~ ~~(SPECIAL)~~ ~~(APPROPRIATION)~~ ORDINANCE
(RESOLUTION) No. A-20-77 on the 25th day of October, 1977
ATTEST: (SEAL)

Charles W. Tittemore
CITY CLERK

John Nuckols
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of October, 1977 at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Tittemore
CITY CLERK

Appropriation Ordinance No. A-20-77 read & voted by
Approved and signed by me this Mayor Robert E. Armstrong day of November 2, 1977, 1977
at the hour of _____ o'clock _____ M., E.S.T.

MAYOR

MR TIM GOAM

Oct. 18

Bill No. A-77-09-19

REPORT OF THE COMMITTEE ON FINANCE

Re, your Committee on Finance to whom was referred an Ordinance
appropriating certain funds from the EEOC "706" contract account to the
Metropolitan Human Relations Commission and directing payment of salaries
therefrom

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

WILLIAM T. HINGA - CHAIRMAN

JAMES S. STIER - VICE CHAIRMAN

VIVIAN G. SCHMIDT

PAUL M. BURNS

FREDRICK HUNTER

William T. Hinga

James S. Stier
Vivian G. Schmidt

10-25-77
DATE



City Clerk Memorandum

CHARLES W. WESTERMAN, Clerk

To Mayor Robert E. Armstrong Date 10-5-77
From Charles W. Westerman - City Clerk
Subject Appearance before Common Council - 10-18-77 -- 7:30 P.M.

COPIES TO:

RE: BILL NO. A-77-09-19

AN ORDINANCE appropriating certain funds from the EEOC "706" contract accgunt to the Metropolitan Human Relations Commission and directing payment of salaries therefrom

RE: BILL NO. S-77-09-20

AN ORDINANCE creating certain positions, dissolving certain positions and setting certain salaries in the Metropolitan Human Relations Commission of Fort Wayne, Indiana

Pursuant to the request of the Standing Committee Chairman of Finance of the Common Council, the presence of Jim Golm - Metropolitan Human Relations Commission, is respectfully requested on October 18, 1977, at 7:30 P.M., Room 128, Common Council Conference Room.

Further information is requested regarding the above ordinances by the Common Council

Your cooperation will be greatly appreciated.

Carma J. Reinde

10-5-77



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

office of the mayor

November 2, 1977

TO THE MEMBERS OF THE COMMON COUNCIL:

The Metropolitan Human Relations Commission can be a very positive force in the City of Fort Wayne. I am happy to be working with the Commission, and its Director, on the reorganization of its staff and its goals to attain the most efficient and effective department alignment. I feel very strongly, however, that changes and improvements must be made in accordance with the laws that govern all city departments, boards and commissions. For this reason, I, Robert E. Armstrong, Mayor of the City of Fort Wayne, hereby veto Bill No. A-77-09-19, Appropriation Ordinance No. A-20-77, for the following reasons:

Sections 2, 3, and 4 of said Appropriation Ordinance attempt to create positions of administrative staff. The law (specifically IC 18-1-7-2) requires that the Mayor and the Executive Branch of city government supervise subordinate offices, and be responsible for good order and efficient government.

Said Sections also attempt to set the salaries of said positions, contrary to IC 18-2-1-10 (b), which states: "The salaries of EACH AND EVERY APPOINTIVE OFFICER, EMPLOYEE, DEPUTY, ASSISTANT AND DEPARTMENTAL AND INSTITUTIONAL HEAD SHALL BE FIXED BY THE MAYOR subject to the approval of the common council...."

I, Robert E. Armstrong, also veto Bill No. S-77-09-20, Special Ordinance No. S-218-77, for the following reasons:

Sections 2 and 3 of said Special Ordinance attempt to create legal positions in the department of Metropolitan Human Relations, contrary to law. IC 18-1-6-13 provides that the City Attorney "... shall have the management,



To the Members of the Common Council
November 2, 1977
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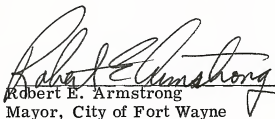
charge and control of the law business of such city and for each branch of its government, shall prosecute all violators of city ordinances, shall be the legal adviser of ALL its departments and officers...." and "he shall conduct ALL legal proceedings authorized by this act, and all appeals of every nature whatsoever in which such city or the public shall have an interest...."

Section 5 would fund a position with monies from the Federal government. When and if such funds are discontinued or reduced, this Section would require the City's already overburdened taxpayers to pick up the responsibility of these proposed positions.

Section 6 is void and illegal for the reasons set forth in paragraphs 2 and 3 above, in that the creation of new positions and the pay therefore can not be at the option and discretion of individual city employees as set forth in this Special Ordinance, but rather are the responsibility of the elected officials of this city, who are answerable to the citizens.

In addition to the reasons set forth above for the veto of both Bills, the Court of Appeals of Indiana has declared unconstitutional the section of IC 22-9-1-12 which authorizes the creation of local human rights commissions. It would be most unwise to increase expenditures of this department at a time when ANY expenditure by said Commission -- and, in fact, its very existence -- is subject to such great doubt.

Dated this 2nd day of November, 1977.


Robert E. Armstrong
Mayor, City of Fort Wayne

REA:ip



THE CITY OF FORT WAYNE

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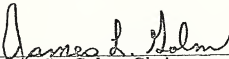
office of the mayor

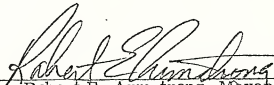
November 8, 1977

This confirms the agreement between the Chairman of the Metropolitan Human Relations Commission and the Mayor regarding Bill No. A-77-09-19 and Bill No. S-77-09-20.

In the event the veto of these ordinances is upheld, the Mayor and the Commission agree that certain changes and additions are necessary in order to accomplish the purposes of the Commission:

1. It is clearly understood that all positions that are funded totally or partially by EEOC will be dissolved or reduced in the event those funds are terminated.
2. The positions which are to be funded by Civil City funds will be presented in an ordinance to the Common Council before the end of the year, with the endorsement of the Mayor. The ordinance will abolish one Community Relations Representative and create a Staff Attorney.
3. A claim for payment for services rendered by employees paid by EEOC funds will be submitted by the Commission and honored by the Controller.


James L. Golm, Chairman
Metropolitan Human Relations
Commission


Robert E. Armstrong, Mayor
City of Fort Wayne